

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO. 1044/1998

R.S.R.T.C., JAIPUR Vs. SHYAM LAL SONI & ANR.

Date: 29.11.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Manish Bhandari for the petitioner.
Mr. Shyam Lal Sharma for the respondents.

This writ petition is directed against the impugned Award dated 04.03.97 passed by the Labour Court, Jaipur. The Labour Court while passing the Award, has set-aside the termination order of the respondent and ordered to reinstate back in service with 50% back wages.

It is not disputed that the dispute has been raised by the respondent-workman after lapse of 11 years but has failed to give reasonable explanation for such delay and the Labour Court has also observed that the respondent-workman has failed to give reasonable explanation for this delay, but the delay of 11 years was condoned by the Labour Court only on the ground that there is no limitation prescribed for such dispute, but as per the ratio decided by the Hon'ble

Supreme Court in the case of ***Indian Iron & Steel Co. Ltd. Vs. Prahlad Singh***, decided on **03.11.2000** and reported in **(2001) 1 SCC 424**, it was held that industrial dispute raised after 13 long years of termination of service- No reasonable explanation given for such delay- In such circumstances, held, the Industrial Tribunal rightly refused to grant any relief.

Further the Labour Court has wrongly approved that 12 passengers were found without ticket and submits that it can only be presumed if the inspection was not conducted and it cannot be presumed that the respondent workman will keep the money of the fare charges of 12 passengers.

As per the settled preposition of law laid down by the Apex Court and this Court, the petitioner is guilty and as the Labour Court itself also observed that domestic enquiry conducted regarding charges is just and proper. In such circumstances, I am not convinced with the findings given by the Labour Court for quashing and setting aside the termination order and for reinstating back in service with 50% back Wages.

Learned counsel for the respondents has referred the judgments passed in *Ajaib Singh's* case

reported in 1999 SCC (L&S) 1054, Gurmukh Singh's case reported in 2001 SCC (L&S) 105 and Sapan K. Pandit's case reported in 2001 L.L.R. 900, on the point of limitation, but I am not agree with his submissions and ratio decided in the aforementioned cases is not applicable to the instant case.

In view of the ratio decided by the Hon'ble Supreme Court in the case of **Indian Iron & Steel Co. Ltd. Vs. Prahlad Singh (supra)**, the respondent workman has to give reasonable explanation for delay of 11 years in raising the dispute, which has not been given.

Consequently, the writ petition stands allowed. The impugned Award dated 04.03.97 passed by the Labour Court, Jaipur is herewith quashed and set-aside.

(K.S. RATHORE), J.

/KKC/